

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEBRA HATTEN-GONZALES, et. al,

Plaintiffs,

vs.

Civ. No. 88-385 KG/CG

SIDONIE SQUIER, Secretary of the
New Mexico Human Services Department,

Defendant.

ORDER AND FINDINGS REGARDING THE MAY 20, 2014,
ORDER GRANTING MOTION TO ENFORCE COMPLIANCE (DOC. 479)

This matter comes before the Court upon a hearing held on July 21, 2014, to determine the status of Defendant's compliance with the Court's May 20, 2014, Order Granting Motion to Enforce Compliance (Doc. 479) (May 20, 2014, Order). Present at the hearing were Gail Evans, Sovereign Hager, and Jane Yohalem, representing the Plaintiffs, and Christopher Collins and Natalie Bruce, representing the Defendant. Having considered the argument of counsel, the sworn testimony of Marilyn Martinez, Defendant's first and second status reports, Plaintiffs' response to Defendant's first status report, and the exhibits presented at the hearing, the Court makes the following findings and rulings:

1. Defendant is making substantial progress toward complying with ¶¶ 2, 5, and 6 of the May 20, 2014, Order;
2. Defendant has substantially complied with ¶ 3 of the May 20, 2014, Order;
3. the Court defers ruling on whether Defendant is making substantial progress toward complying with ¶¶ 4, 7, and 8 of the May 20, 2014, Order;

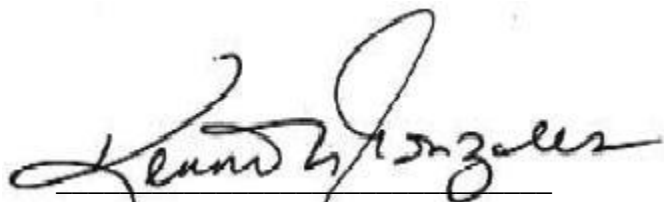
4. the Court orders the parties to distinguish, in joint and/or separate statistical reports submitted in compliance with the May 20, 2014, Order, between numbers of initial applications for benefits and numbers of applications for renewal of benefits eligibility;

5. the Court denies Defendant's request to begin closing cases in which individuals have not timely submitted an application for renewal of benefits. It is not yet clear from evidence and argument that the applications have not been submitted due to a lack of sufficient notice from the Defendant to the individuals and/or a lack of opportunity by those individuals to submit a timely application. The Court will reconsider the request upon a sufficient showing that the applications have not been submitted after sufficient notice and/or opportunity to timely apply for renewal of benefits.

6. Plaintiffs will file a brief on the issue of Defendant's compliance with ¶¶ 7 and 8 of the May 20, 2014, Order by the close of business on July 24, 2014, and Defendant may file a response by the close of business on July 29, 2014; and

7. the Court amends ¶ 10 of the May 20, 2014, Order to require that Plaintiffs and Defendant file a monthly joint status report.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE